

CLOSED

**U.S. District Court**  
**District of South Dakota (Southern Division)**  
**CIVIL DOCKET FOR CASE #: 4:11-cv-04121-KES**

Argus Leader Media v. United States Department of Agriculture  
Assigned to: Chief Judge Karen E. Schreier  
Cause: 05:552 Freedom of Information Act

Date Filed: 08/26/2011  
Date Terminated: 09/27/2012  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Argus Leader Media**  
*doing business as*  
Argus Leader

represented by **Jon E. Arneson**  
123 S. Main Ave.  
Suite 202  
Sioux Falls, SD 57104  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**United States Department of Agriculture**

represented by **Stephanie Carlson Bengford**  
U.S. Attorney's Office (Sioux Falls, SD)  
PO Box 2638  
Sioux Falls, SD 57101-2638  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
08/26/2011	<u>1</u>	COMPLAINT filed by Argus Leader Media. (Attachments: # <u>1</u> Ex 1 – 2/1/11 Ellis ltr to Weatherly, # <u>2</u> Ex 2 – Undated ltr. from Weatherly to Ellis, # <u>3</u> Ex 3 – 2/25/11 ltr from Ellis to USDA)(DJP) (Entered: 08/26/2011)
08/26/2011	<u>2</u>	CIVIL COVER SHEET (DJP) (Entered: 08/26/2011)
08/26/2011	<u>3</u>	Summons Issued as to United States Department of Agriculture (handed five true copies to Attorney Arneson) (DJP) (Main Document 3 replaced on 8/29/2011) (DJP). (Entered: 08/26/2011)
08/26/2011	<u>4</u>	Filing fee received: Fee Amount: \$ 350, Receipt #: 23088. (DJP) (Entered: 08/26/2011)
08/26/2011	<u>5</u>	CORPORATE Disclosure Statement by Plaintiffs Argus Leader Media, Gannett Company, Inc. identifying Corporate Parent Gannett Company, Inc. for Argus Leader Media.. (DJP) (Entered: 08/26/2011)
08/29/2011	<u>6</u>	AFFIDAVIT of Service for Summons and Complaint served on Brendan Johnson, Thomas Vilsack, Eric H. Holder, Jr., Ramona E. Romero on August 26, 2011, filed by Argus Leader Media. (DJP) (Entered: 08/29/2011)
09/29/2011	<u>7</u>	ANSWER to <u>1</u> Complaint by United States Department of Agriculture.(Bengford, Stephanie) (Entered: 09/29/2011)

09/30/2011	<u>8</u>	SCHEDULING Request. Proposed Schedule due by 10/31/2011. Signed by Chief Judge Karen E. Schreier on 9/30/2011. (KC) (Entered: 09/30/2011)
10/24/2011	<u>9</u>	SCHEDULING PROPOSAL by Argus Leader Media. (Arneson, Jon) (Entered: 10/24/2011)
10/31/2011	<u>10</u>	RESPONSE to <u>8</u> Scheduling Request filed by United States Department of Agriculture. (Bengford, Stephanie) (Entered: 10/31/2011)
01/26/2012	<u>11</u>	SCHEDULING ORDER: Motions due by 3/15/2012. Signed by Chief Judge Karen E. Schreier on 1/26/2012. (KC) (Entered: 01/26/2012)
03/05/2012	<u>12</u>	MOTION for Discovery <i>Vaughn Index</i> by Argus Leader Media. (Arneson, Jon) (Entered: 03/05/2012)
03/15/2012	<u>13</u>	MOTION to Continue <i>Motion Deadline As to Exemption 4</i> by United States Department of Agriculture. (Attachments: # <u>1</u> Declaration of Jennifer Weatherly)(Bengford, Stephanie) (Entered: 03/15/2012)
03/15/2012	<u>14</u>	MEMORANDUM in Support re <u>13</u> MOTION to Continue <i>Motion Deadline As to Exemption 4</i> filed by United States Department of Agriculture. (Bengford, Stephanie) (Entered: 03/15/2012)
03/15/2012	<u>15</u>	RESPONSE to Motion re <u>12</u> MOTION for Discovery <i>Vaughn Index</i> filed by United States Department of Agriculture. (Bengford, Stephanie) (Entered: 03/15/2012)
03/15/2012	<u>16</u>	MOTION to Amend/Correct <i>Answer</i> by United States Department of Agriculture. (Attachments: # <u>1</u> Exhibit 1– Amended Answer)(Bengford, Stephanie) Modified to identify exhibit on 3/16/2012 (CMS). (Entered: 03/15/2012)
03/15/2012	<u>17</u>	MEMORANDUM in Support re <u>16</u> MOTION to Amend/Correct <i>Answer</i> filed by United States Department of Agriculture. (Bengford, Stephanie) (Entered: 03/15/2012)
03/15/2012	<u>18</u>	MOTION for Summary Judgment by United States Department of Agriculture. (Bengford, Stephanie) (Entered: 03/15/2012)
03/15/2012	<u>19</u>	AFFIDAVIT of Stephanie C. Bengford in Support re <u>18</u> MOTION for Summary Judgment filed by United States Department of Agriculture. (Bengford, Stephanie) Modified title on 3/16/2012 (CMS). (Entered: 03/15/2012)
03/15/2012	<u>20</u>	AFFIDAVIT of Susan Modine in Support re <u>18</u> MOTION for Summary Judgment filed by United States Department of Agriculture. (Bengford, Stephanie) Modified title on 3/16/2012 (CMS). (Entered: 03/15/2012)
03/15/2012	<u>21</u>	AFFIDAVIT of Andrea Gold in Support re <u>18</u> MOTION for Summary Judgment filed by United States Department of Agriculture. (Attachments: # <u>1</u> Exhibit)(Bengford, Stephanie) Modified title and exhibit on 3/16/2012 (CMS). (Entered: 03/15/2012)
03/15/2012	<u>22</u>	STATEMENT OF MATERIAL FACTS re <u>18</u> Motion for Summary Judgment by Defendant United States Department of Agriculture, Plaintiff Argus Leader Media filed by United States Department of Agriculture, Argus Leader Media. (Bengford, Stephanie) (Entered: 03/15/2012)
03/15/2012	<u>23</u>	MEMORANDUM in Support re <u>18</u> MOTION for Summary Judgment filed by United States Department of Agriculture. (Bengford, Stephanie) (Entered: 03/15/2012)
03/15/2012	<u>24</u>	(FILED IN ERROR) AFFIDAVIT of Jennifer Weatherly in Support re <u>18</u> MOTION for Summary Judgment filed by United States Department of Agriculture. (Bengford, Stephanie) Modified title on 3/16/2012 (CMS). Modified on 3/19/2012 (CMS). (Entered: 03/15/2012)
03/16/2012		NOTICE of Filing Error: Affidavit in Support of Motion <u>24</u> filed by Defendant United States Department of Agriculture FILED IN ERROR (Bengford, Stephanie) (Entered: 03/16/2012)

03/16/2012	<u>25</u>	AFFIDAVIT of Jennifer N. Weatherly re <u>18</u> MOTION for Summary Judgment. (Attachments: # <u>1</u> A: original request, # <u>2</u> B: request acknowledgement ltr, # <u>3</u> C: FW:FOIA request acknowledgement ltr, # <u>4</u> D: initial response, # <u>5</u> E: appeal response, # <u>6</u> F: Arnson ltr, # <u>7</u> G: Weatherly email)(Bengford, Stephanie) (Entered: 03/16/2012)
04/12/2012	<u>26</u>	ORDER granting <u>13</u> Motion to Continue Briefing Deadline as to Exemption 4 for good cause shown. The court will consider Exemption 3 first and then schedule a new deadline regarding Exemption 4, if necessary. Signed by Chief Judge Karen E. Schreier on April 12, 2012. (Schreier, Karen) (Entered: 04/12/2012)
04/12/2012	<u>27</u>	TEXT ORDER granting <u>16</u> Motion to Amend/Correct of the United States Department of Agriculture for good cause shown and because Argus Leader Media has not objected and time for objections has expired. United States Department of Agriculture may file its amended answer by April 20, 2012. Signed by Chief Judge Karen E. Schreier on April 12, 2012. (Schreier, Karen) (Entered: 04/12/2012)
04/13/2012	<u>28</u>	<i>Amended</i> ANSWER to <u>1</u> Complaint by United States Department of Agriculture. (Bengford, Stephanie) (Entered: 04/13/2012)
04/26/2012	<u>29</u>	MOTION to Extend Time to Respond re <u>18</u> Motion for Summary Judgment by Argus Leader Media. (Attachments: # <u>1</u> Affidavit of Jon Arneson(Arneson, Jon) Modified event type/text on 4/27/2012 (CMS). (Entered: 04/26/2012)
05/07/2012	<u>30</u>	TEXT ORDER granting <u>29</u> Motion to Extend. Deadline for filing responsive brief is extended to May 23, 2012. Signed by Chief Judge Karen E. Schreier on 5/7/2012. (KC) (Entered: 05/07/2012)
05/08/2012	<u>31</u>	STIPULATION <i>Between Plaintiff and Defendant</i> by United States Department of Agriculture. (Bengford, Stephanie) (Entered: 05/08/2012)
05/11/2012	<u>32</u>	ORDER approving stipulation. Any claims in relation to disclosure of the FNS numbers are dismissed with prejudice. Signed by Chief Judge Karen E. Schreier on 5/11/2012. (KC) (Entered: 05/11/2012)
05/23/2012	<u>33</u>	MEMORANDUM in Opposition re <u>18</u> MOTION for Summary Judgment filed by Argus Leader Media. (Attachments: # <u>1</u> Exhibit A – 7 USC §2018, # <u>2</u> Exhibit B – 7 USC § 278.1, # <u>3</u> Exhibit C – SNAP Application for Stores)(Arneson, Jon) Modified to identify exhibits on 5/24/2012 (CMS). (Entered: 05/23/2012)
05/23/2012	<u>34</u>	STATEMENT OF MATERIAL FACTS re <u>33</u> Memorandum in Opposition to Motion by Plaintiff Argus Leader Media filed by Argus Leader Media. (Attachments: # <u>1</u> Jon E. Arneson Declaration in Opposition to Defendant's Motion for Summary Judgment, # <u>2</u> Jonathan Ellis Declaration in Opposition to Defendant's Motion for Summary Judgment)(Arneson, Jon) Modified on 5/24/2012 (CMS). (Entered: 05/23/2012)
06/11/2012	<u>35</u>	REPLY to <u>23</u> Memorandum in Support of Motion, <u>18</u> Motion for Summary Judgment filed by United States Department of Agriculture. (Bengford, Stephanie) (Entered: 06/11/2012)
06/11/2012	<u>36</u>	DECLARATION of Susan Modine re <u>35</u> Reply. (Bengford, Stephanie) (Entered: 06/11/2012)
06/11/2012	<u>37</u>	DECLARATION of Jennifer Weatherly re <u>35</u> Reply. (Attachments: # <u>1</u> Exhibit 1 – Letter dated 08.05.2010, # <u>2</u> Exhibit 2 – response dated 08.31.2010)(Bengford, Stephanie) Modified on 6/12/2012 (CMS). (Entered: 06/11/2012)
09/27/2012	<u>38</u>	ORDER denying <u>12</u> Motion for Discovery; granting <u>18</u> Motion for Summary Judgment. Signed by Chief Judge Karen E. Schreier on 9/27/2012. (KC) (Entered: 09/27/2012)
09/27/2012	<u>39</u>	JUDGMENT in favor of United States Department of Agriculture against Argus Leader Media. Signed by Chief Judge Karen E. Schreier on 9/27/2012. (KC) (Entered: 09/27/2012)